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THE OPERATION OF THE SETTLEMENT LAWS OF MASSACHUSETTS

A Thesis

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Chapter I

Principles Involved in the Present Settlement Law of Massachusetts

Settlement laws are a topic of controversy and discussion not only in Massachusetts but all over the United States. Constantly social workers are becoming aware of the intricacies that this law involves. Taken from the viewpoint of the administrator, the settlement and social worker and the client, the law is involved and complex. The majority of the clients cannot understand what their application for public relief has to do with the residence history of themselves or their wives, their parents and their wives' parents, and as it occasionally happens, the residence history of all of their grandparents.

In the following pages the term "settlement worker" is used to designate that special division of social workers in all public departments who make special investigations pertaining to the individual's legal settlement status. This is a differentiation from a "settlement worker" who, in the accepted usage of the term, is a social worker employed in a settlement house.

Settlement workers at times wonder why the clients do not have the necessary factual data; that

is, dates and places, even streets and numbers of houses, at their fingertips. But who of us is able at a minute's notice to say where we lived in such and such a year, what we were doing at such and such a time. If we had no milestones of unusual events or incidents on the road of life which correlated with the facts of ordinary everyday existence to work by, then we would be as difficult as the clients to deal with and probably more so.

The question of settlement involves not only the city or town where the relief is granted but many other cities and towns as well as the state itself. The client invariably thinks that having answered all the questions on the initial visit and having received his first aid, that his eligibility is determined and all his worries are over. In reality, then only the trouble begins.

In December, 1936 and in January, 1937 the Law Department of the City of Boston filed claims regarding settlement against two hundred thirty-two municipalities of the Commonwealth of Massachusetts for the collection of money allegedly due Boston for aid rendered by the Welfare Department of the City of Boston. The total amount of money involved at that time in those claims was $2,072,676.31 and marked the first time in fifty years that Boston resorted to

this means of collecting money supposedly due from its sister municipalities.[1] These cities and towns denied the financial responsibility of the claims and thereupon entered counterclaims against Boston. It is questioned whether such procedure tended to promote good relations among the various communities with respect to welfare accounts. For example, in that year Boston sued the Town of Watertown for $30,144.73. Watertown counterclaimed against Boston for approximately $25,000.00 and although it was admitted that $15,500.00 was due Boston, Watertown refused to pay Boston until the latter's obligation to it had been paid. Again Boston sued the City of Malden for $157,646.00. Malden counterclaimed for approximately $70,000.00 and stated that the balance due Boston would not be paid until Malden's claim was satisfied.

It was due to this jumbled and confused state of affairs, namely, so many suits by Boston against other cities and towns, their subsequent counterclaims, so many assets on the books of the City of Boston as being collectible assets when in reality they could not be collected and therefore had to be termed liabilities, that definite constructive action had to be taken in 1937. The then mayor of the City

1 Reports and Communications - The Finance Commission of the City of Boston, Volume XXXIII, 1938, p. 84

of Boston summoned together his advisers and the Executive Director of the Overseers of the Public Welfare. They studied the entire question and finally initiated a program to clear up the situation. Therefore, on May 1, 1937 the Executive Director of the Public Welfare in Boston authorized the establishment of a special group of twenty-five workers to concentrate on settlement work and dispose of all the outstanding accounts against the Commonwealth of Massachusetts and the other cities and towns of the Commonwealth accumulated during the years 1931 through 1937.

The group immediately began to work on those cases for which bills were rendered to the Commonwealth in October, 1931 and for which no reimbursement had been received. There was no possibility of working on bills prior to that date because recovery of the money, if any, was outlawed by the Statute of Limitations. Work continued on similar cases for each succeeding year until completed. The work entailed the determining of liability on approximately seventeen thousand cases and in December, 1941 reimbursement to the amount of $1,600,000.00 was received from the Commonwealth alone. The figures relative to reimbursement from other cities and towns are not presently available because many of the accounts are still in litigation. These figures are only a part of the

total figures for the municipality of Boston and do not include Old Age Assistance or Aid to Dependent Children cases. When one considers that there are over three hundred fifty municipalities in the State, then one can readily realize the prodigious amount of work involved in the operation of this law under present day conditions.

There are many persons in the field of social service who advocate the complete abolishment of the settlement law. Others contend that the law should at least be simplified to adjust it to conditions which public welfare agencies face at the present time. Nevertheless, the settlement law is still in force and must be carried out. Even if this law, which has resulted in so much litigation and concerning which there are hundreds of court interpretations, is too technical and adds too many burdens to the already overburdened departments, it is still the responsibility of staff workers to carry out its mandates to best serve the interests of the taxpayers.

Therefore, it is the purpose of the writer in the following pages to state this law, the interpretation of the law, and to illustrate with concrete examples how this law is applied, the administrative methods, the settlement worker's routine and detailed participation, and the clients confused and sometimes

frustrated experience in his participation in the application of this law.

The purpose of the writer is also to show by these concrete demonstrations that the law is unnecessarily complex and entirely inadequate in its present form. The means by which this purpose is pointed out is the statement of definite facts and the actual methods which are at present used in carrying out the processes to establish an individual's legal settlement as regulated by law at the present time.

The situations are actual and can be found in the records of the Boston Public Welfare Department. Names of clients and cities and towns are not actual to avoid possible identification.

Despite the fact that the work seemed very monotonous at times, futile on some occasions, it has not been without its amusing incidents. The writer can recall one of the foreign clients on the stand being questioned in English regarding the exact time he came to the State and to Boston. He repeated what had been stated so many times previously that he came to Boston in such and such a year. However, while still on the stand he was cross-examined by the settlement worker of the defending city who was also quite adept in the mother tongue of the client. A long conversation took place between the client and the set-

tlement worker, the purport of which was practically unknown to everyone in the courtroom. The information gleaned from this cross-examination changed the entire settlement picture, contradicted all the facts gathered by the Boston worker and determined the place of settlement other than that of the defending city. The question arose why couldn't the client tell that story in English to the Boston settlement workers and avoid the loss of much valuable time. The only conclusion one may draw is that if the client is questioned in English, he came to Boston in a certain year; if questioned in his native language, he came at an entirely different time. In other words, it was the first case that came to the writer's attention that the ability to speak and understand a foreign language had a bearing on the acquisition of a legal settlement. However, the writer at this point has not drawn any definite conclusions in regard to the language - settlement relationship.

There are many complaints in settlement work resulting from the indiscriminate changing of names which certain foreign people have a tendency to do. They, of their own free will, do change their names from a cumbersome lengthy one to a name of one syllable. To alter one's name to suit an occasion is a very common occurence and with this condition present, a settle-

ment worker is certainly confronted with problematical situations. For example, in 1922 one's name might be "Katisigianis" and in 1923 it could easily change without any benefit of legal procedure to "Kats". The settlement worker would have to read many things between the lines of a police listing.

Chapter II

Present Status of Settlement in Massachusetts

A legal settlement is a right which a person acquires by reason of his having fulfilled certain residence requirements as contained in Chapter 116 of the General Laws of Massachusetts.[1] When a person falls into distress, relief is applied for and granted in the city or town in which the person resides at that time. The financial responsibility for the relief given is placed and determined through the application of the settlement law. It is the purpose of the writer not to discuss every manner in which a legal settlement is gained by a person, but to consider and show by concrete example the ways of gaining a legal settlement which the settlement worker encounters daily.

One way of gaining a legal settlement at the present time is by residence.[2] This simply means that any person of sound mind, after reaching the age of twenty-one years, who resides in any city or town of the Commonwealth for five consecutive years gains a settlement in that city or town, provided that during the period of residence he or she never received any

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1 General Laws of Massachusetts, Chapter 116, Sec. 1-7 incl.

2 Ibid., Sec. 1

form of public relief, that is, outdoor or institutional care and support.[3]

For example, in March, 1942 Mr. and Mrs. D. with one child, four years old, applied for and received public relief in Boston. Mr. D. was born in Italy in 1910. He is now thirty-one years old. Mrs. D. was born in Boston in 1913, a fact verified, thus making her at the time of application twenty-eight years old. The couple were married in Boston in 1934 which fact was also verified. It was their first and only marriage. They had one child born in Boston in 1937, also verified.

In his statement of residence Mr. D. told the clerk of the Intake Division that he lived at his present address in Boston for eight years. The settlement worker checked this statement and verified by the police lists the following information:

April, 1942	- Date of first public relief	
1942	- Boston address)	
1941	- Boston address)	
1940	- Boston address)	Five years contin-
1939	- Boston address)	uous residence with-
1938	- Boston address)	out any form of pub-
1937	- Boston address)	lic relief
1936	- Boston address)	
1935	- Not found	

In the case just cited Mr. D. is over twenty-one years old and has resided in Boston five consecutive years as the examination of the police list gave

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3 Ibid., Sec. 2

his name and address for that period. During that time, from 1936 to 1941, neither Mr. D. nor any member of his family received any other form of public relief which would interfere with his acquisition in Boston. There was no court record on Mr. D. and nothing on the Social Service Index, which is the record of all contacts of all types of social service agencies, to reveal any further information to interrupt this acquisition.

Therefore, Mr. D. has a legal settlement in Boston by residence. Residence, according to the meaning of this law, means domiciliary residence which must always be determined on the facts in the case. It is one of the most difficult and controversial points raised in the administration of the settlement law.

Here is another way of gaining a legal settlement. A married woman follows and has the legal settlement of her husband regardless of circumstances.[4] Again let us turn to the preceding example of Mr. and Mrs. D. Mrs. D. is legally and legitimately married to Mr. D. That fact has been proved. Therefore, as the law states, Mrs. D. follows and has the settlement of her husband. Since he has a legal settlement in Boston, she must have one in Boston also. However, if in certain cases the husband has no legal settlement in the Commonwealth, then his wife will retain the set-

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4 Ibid., Sec. 1

tlement, if any, she had at the time of marriage and may acquire one herself in the manner mentioned in the preceding paragraph, namely, by residence. From these facts, therefore, it is very important that all marriage records be verified to see if the man and woman are legally married. Separation, legal or otherwise and irrespective of the number of years separated, has no bearing on this matter. A wife's domicile is the same as her husband's even though not actually or physically residing with him. Only when the man has lost his settlement or there is a divorce can the wife establish a separate domicile and acquire a settlement in her own right.

In the question of gaining a legal settlement it is very important to keep in mind the manner in which children acquire settlement. The law states regarding legitimate children that they will follow and have the settlement of their father, if he has a settlement. If, on the contrary, the father has no legal settlement, then these children follow and have the settlement of their mother, if she has one.[5] If neither the father nor the mother has a legal settlement, then the children, of course, cannot derive any settlement from them and consequently they must have no settlement. The law further states that if the

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5 Ibid., Sec. 1

father died during the minority of his children, thenceforth, they will follow and have the settlement of the mother.

However, a very important item for all settlement workers to remember regarding children and their settlement status is this. As mentioned previously the law as it now stands became effective August 12, 1911. Prior to this law, when a minor child had the settlement of its deceased father, the child could not lose that settlement and in turn acquire the settlement of its mother when she acquired a new settlement. On many occasions settlement workers overlook this point and, therefore, the case as far as legal settlement is concerned is discharged wrongly. This also brings out the fact that all births of children should be verified right at the beginning of the application for relief. Settlement statutes always operate after passage and are not retroactive unless specifically designated. Therefore, the salient point to be remembered regarding legitimate children is that when a father died before August 12, 1911 and had a settlement at the time of his death, his minor children would follow his settlement until they reached the age of twenty-six years. At the age of twenty-six, these children might have gained a settlement by their own residence during the five years after they reached their majority at twenty-

one years. This remains true regardless of whether the settlement status of the mother had changed between the date of the husband's death and the children becoming twenty-six years old.

Illegitimate children always follow and have the settlement of their mother.[6] For example, Virginia D., a minor, made an application in 1942 to the Welfare Department for the burial of her baby girl born out of wedlock. She, herself, could not pay the burial expenses. Neither could her parents afford to pay the added expense due to the large family and the limited income of the wage earner, her father. Hence, the case would come within the scope of a public relief agency. The Welfare Department investigated the income into the home and it was determined that the family's income was not sufficiently adequate to cover this added expense.

In her application Virginia stated that she was fifteen years old. This fact was verified. She was living at the home of her parents with the rest of the family although her father, being a seaman, happened to be on the high seas during this incident. She also stated that the reputed father was likewise in the armed forces of the nation and could not be apprehended at that time either. The baby lived only thirty-two days after its birth.

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6 Ibid., Sec. 1

Therefore, it was the duty of the Welfare Division to determine the liability in this case. As the law states, an illegitimate child follows and has the settlement of its mother. In this case, the baby follows the settlement of her mother, Virginia. Since Virginia is still a minor, only fifteen years old, she, until she reaches her twenty-sixth birthday, follows and has the settlement of her father. Hence, the settlement of Virginia's father had to be determined and the following is the result of the settlement worker's investigation of the father's legal settlement:

March, 1942 - Date of baby's burial
1942 - Boston address for the father
1941 - Boston address for the father
1940 - Boston address for the father
1939 - Boston address for the father
1938 - Boston address for the father
1937 - Boston address for the father
1936 - Boston address for the father
1935 - Boston address for the father

Virginia's father had a legal settlement in Boston by his continued residence of five years. During the period from 1936 to 1942, there was no evidence of any other form of public relief or registration on the Social Service Index which would present factual data that would prevent his acquisition of such legal settlement.

Consequently, if Virginia's father has a settlement in Boston, Virginia has a settlement in Boston and her baby also.

Another lawful manner of gaining a legal settlement of much concern to the settlement worker and one which he occasionally meets is that which refers to the acquisition of a settlement by soldiers and sailors, those who joined the forces of the nation in any war. Briefly and simply the law concerning these men states that they gain a military settlement in the city or town in which they actually lived at the time of entering the service of their country. One factual requirement demanded by the law in acquiring this military settlement is an honorable discharge from the army or navy upon completion of their services. A dishonorable discharge disqualifies the veteran from acquiring this military settlement but not his legal settlement. Therefore, the wife of such a soldier or a sailor and their children also follow the military settlement.[7] Now then it is quickly understood that to acquire a military settlement two specific factors are absolutely essential, military service in the time of war and an honorable discharge.

For example, Etta G., wife of David, applied for public relief in 1939 in Boston. She told the clerk of the Intake Division that her husband, David, was living in another city of the Commonwealth and that they had been living apart by mutual agreement but not legal-

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7 Ibid., Sec. 1

ly separated since 1932 and that he was a veteran of World War I. This couple were legitimately married in 1921 in Town C. and had two children both born in Town B. All facts were easily verified from a previous application for Aid to Dependent Children. However, Mrs. G. never received aid from that division because of her own private employment.

In verifying Mrs. G.'s statements about her husband David, it was found that in 1917 he enlisted in Boston but gave an address at the time of actually living in Town B. He served overseas from January 11, 1918 to April 17, 1919 and was honorably discharged in May, 1919. He returned to Town B. after the war and has continued to reside there ever since. The reason for his marriage in Town C. was the fact that his wife had lived there at the time. Therefore, Mr. G. conformed to the military statute and had a military settlement in Town B. in 1919. By his continued residence there since that time, he has the same settlement in 1939. He never lost that settlement by five years continuous absence from the Commonwealth. Therefore, in 1939, Mrs. G. would follow and have her husband's military settlement despite the fact that they have been mutually separated since 1932. If he has a military settlement in Town B., she and her children take the same military settlement from him. Town B. ac-

knowledged the liability in this particular case.

Chapter III

Investigation and Procedure in Determining Legal Settlements Today

In the work of determination of settlement, the most difficult task is securing actual facts by which this law can be enforced. The proper time to get those facts is at the first interview and not months and years later as was the practice within the past several years. Today after the information has been given by the client to the clerk of the Intake Division, the latter then takes both the application and the client to the settlement division to be referred to a settlement worker.

In order that the law be enforced expeditiously, it is essential that the worker be trained in the art of interviewing and familiar with the exceedingly complex ramifications of the settlement law. He should possess the same basic skills and use the same technique and tools as the social worker because the settlement worker meets the same resistance or misunderstandings which the social worker meets in individuals and he must and can only proceed if he is adept in the arts of interpretation, of analysis and of intelligent understanding.

The factual data obtained from the client in this interview are actual information used for the in-

vestigation and verification. It is the very foundation upon which to work and to proceed to evaluate the facts and to determine the settlement.

One can readily see that when the routine process of verification is begun by the settlement worker, if the original face sheet information is untrue and inaccurate, the worker is going to meet a series of unsuccessful attempts to establish the legal settlement. Each step has to be repeated until final successful completion. This results in loss of time and money because there are time limitations for sending the notices of liability either to the State or some other city or town.

During these first interviews the settlement worker is dealing with clients possessing distinct attitudes and personalities. Some seek relief because of their own unemployment; others because of illness and others because they are maladjusted to their family and to the community situation in which they are living. For this reason it is readily understandable that some of the clients cannot comprehend the reason for questioning about the residence history of his own or his wife's parents or, as it sometimes happens, the residence history of their grandparents. Some clients are often both unwilling and unable to give a true statement or picture of their circumstances for various rea-

sons. It may be selfrespect, pride, sensitiveness or fear. A client may actually be unable to give certain facts because of poor memory or contradictions in his own mind.

The settlement worker is concerned with all types of attitudes; worried, belligerent or acquiescent. He must try to ascertain the possible reasons for these attitudes. There are some clients who have the false notion that they must be residents of Boston at least five years before they can receive relief. Hence, they deliberately make false statements about their places of residences. Others are under the impression that a court record bars them from eligibility to public relief. As a result these are apt to paint an illusory picture of their travels on the continent. Still others who may have deserted their families apply for relief claiming to be single persons and fearfully give much absurd information which, in the process of verification, leads the settlement worker into many blind channels. Therefore, the value of a skilled and experienced settlement worker who must find a way through these barriers of human emotions is evident. He will be successful in diagnosing the situation correctly if he has the training, the skill, the techniques acquired by many personal experiences.

The inquiries in the initial interview should

be as detailed as possible with respect to location and dates of births, marriages, deaths and divorce actions of all members of a family. Best results are obtained after the experienced and capable settlement worker has established that friendly relationship and rapport in the very beginning. Full information should be secured about employment, including name and address of employer, dates of employment, department or division in which employed and names of immediate supervisors or foremen. This detailed information permits of easier verification in those very large business houses when the department and the foreman's name are readily available. Names of all schools attended by the children with dates of attendance should be noted because such records are very good evidence of the residence of parents.

The residence history should be taken chronologically when it appears that the client has been migratory and not established in any one locality for a period of many years. This method does refresh the memory of the client with respect to his addresses and enables better participation on his part and less direct questioning on the part of the worker.

Most essential are inquiries about possible former relief which the client has received. An affirmative answer to this question may permit of deter-

mining the legal settlement immediately, because if it is a question of some prior public relief, then ordinarily the settlement status may have been determined before. If the client answers in the negative, then verification of this vital item is revealed through recourse to the Social Service Index. This latter service is the most necessary part of the settlement worker's investigation as well as the most prolific source of information which is available to him. There are some public welfare agencies in Massachusetts which do not register with the Social Service Index. Their failure to use this service is inexcusable because the expense is negligible in comparison with the amount of money it will ordinarily save for the agency.

One of the reasons for the establishment of the Social Service Index was because at one time there was so much duplication of relief given to the same family and the only way to eliminate this duplication in the expenditure of public funds was by having a clearing house which the Social Service Index is.

A word at this point on the importance of keeping good settlement records can hardly be amiss. There is the possibility that many of the clients will again reapply for relief at some time or other. Consequently, the keeping of good records means the elimination of unnecessary questioning and the constant repe-

tition of facts which may be embarrassing or humiliating to the client. Then again, because of the accuracy of details upon which decisions vital to the client are made, he can obtain a better understanding and appreciation of the agency's efforts to assist him. Therefore, this process will also give a chance for new settlement workers to orient themselves with facts which, unless properly recorded by the previous settlement worker, might never be known to them.

The burden of proof of establishing a legal settlement or lack of one is always upon the city or town granting the relief. Hence, it is the city's or town's obligation to do a complete investigation in the first place. Unless the claim of the city or town is proven to the satisfaction of another town or to the State authorities, they merely have to refuse reimbursement and no recourse is left except legal action. If this is resorted to, factual evidence must be shown to sustain the action. The majority of people in authority to render decisions on legal settlement do accept reasonable evidence and acknowledge liability. This dispenses with the necessity for litigation. Therefore, if thorough work is done in the first instance, it will avoid long drawn-out controversies over payment of bills, and permit prompt and correct disposition of cases.

Settlement workers should definitely know how to apply all facts to the settlement law. A sound training in the requirements of the settlement statute is very necessary and important. In all instances where statutory law is involved, many disputes arise as to the interpretation of the phraseology of the statute. Therefore, as will be demonstrated later, much litigation arises because of this fact. Hence, the reason why the Supreme Judicial Court on numerous occasions has been requested to translate the correct interpretation of the law as to what the legislature intended in the particular language used in the settlement law. Therefore, competent settlement workers ought to be familiar with all Supreme Court interpretations and decisions in order to dispense with any disagreement on matters which have already been judicially determined.

Chapter IV

Problems in the Administration of the Settlement Law

In former times the Massachusetts settlement law was capable of operation and had its good features. However, under present day conditions the reader can determine if it lends itself to accepted standards of public welfare administration either from the standpoint of efficient and economical operation of the agency or the welfare of the client. The numerous recorded decisions of the Supreme Judicial Court plus the unknown number of actions in lower courts are ample evidence of the difficulty in administering a technical law as the settlement law. It is unavoidable that the administration of this law results in much litigation. While most of the litigation is between several cities and towns, there have been instances where the Commonwealth has been a party to this litigation. This is because if the final decision by law points out that the clients have no legal settlement in a city or town of the Commonwealth, then the financial liability must be born by the Commonwealth. If the final decision by law determines the legal settlement to be in a particular city or town, then that community must bear the financial responsi-

bility. Consider also the legal points involved in determining settlements such as the question of marriage, the question of divorce and that of legal adoption.

The following are examples of the intricate problems which face the worker in his effort to determine the legal settlement of certain individuals receiving relief. They further show some of the difficulties and disputes encountered in the administration of the law. So technical do they become at times that it is clearly evident why the courts are called upon to examine the validity of the claims presented and consequently to decide and rule upon them. The necessity of using every possible resource is obvious. The Social Service Index, Police Listings, Voting Lists, Assessing Records and Directories -- all this is necessary in addition to an interview with the individual or individuals involved as well as relatives or persons who may have known pertinent facts in regard to their whereabouts in certain years. Landlords and storekeepers are classified among this group.

The following situation is selected to demonstrate a deliberate effort on the part of the client to misstate his situation because of his fear that if he stated his actual situation, he would be in difficulties too great for him to face. Because of these fears on the part of the client the settlement worker

had to proceed with an investigation over a period of years.

In April, 1935 Albert J. H. applied for and was granted relief in Boston. In making his application to the department he stated that he was a single man, born in New Hampshire in 1885, and that his father and mother were Edward and Mary. He stated that he came to the State of Massachusetts and to Boston in 1915, was a restaurant worker, and included in his statement of residences numerous addresses in Boston over a long period of years. From the information he gave the clerk, the settlement worker was justified in assuming that the man had a Boston settlement. But because it is part of his duties to verify the facts in the final determination of an individual settlement, he went immediately to the Police Lists and City Directory for this purpose. He found that this applicant was listed in Boston in 1934, 1933 and 1932 only. From 1931 to 1921 there was no available record to establish a Boston residence. This meant he had only three years of verifiable residence when he needed five to establish his settlement. It should be remembered at this time that the settlement worker had not only the Police Listing which showed the man without settlement, but also had the Social Service Index which indicated Albert H. had been known to no other social service agency in the

city. Yet the facts as given by him to the clerk may have been doubtless true, in spite of the fact that he could not be found listed at the addresses given. The section of Boston in which he claimed to have lived is entirely a rooming house district where numerous homeless men and women are found. Therefore, it is not uncommon for the policeman, in taking the census, to miss this type of person because he invariably leaves his room early in the morning and generally returns very late at night.

Therefore, the worker immediately notified the State Division of Aid and Relief of its liability in the case to protect its claim of no settlement because he had factual data which indicated that the man had no legal settlement in Boston. The State Division, under the method of procedure at that time, sent a visitor to the home to procure a settlement history for its own record. The information given to the State Worker was practically the same as that given to the Boston Welfare Department. Therefore, the State Department decided that the man had a possible Boston settlement and without further study, they likewise dropped the case. Hence, Boston was notified that the liability was their's unless further facts were discovered to alter their claim.

Because of the numerous applications for pub-

lic relief and the undermanned staff of capable workers who were able to use such professional methods as imagination and initiative, no further effort or study apparently was made by either department to conclude the case then, and like so many other unsettled cases it was left in the Record Room of the Welfare Department of the City of Boston until 1941.

In 1941 further resources were used in an attempt to discover definite factual information which would actually give a clear picture of this man's residence over the necessary years either to gain or not to gain a legal settlement. To show the length to which the settlement worker had to go in his difficult quest, Mr. H.'s election record in the City of Boston was secured. This record showed that he first registered to vote under the name of Harley J. H. from an address which had not been given either to the Boston Department or to the State Worker. The Police List of this address for that year was consulted and it likewise showed a Harley J. H., cook, living here and coming the preceding year from another city of the Commonwealth. With this new information, the Social Service Index, the clearing house of all the social service agencies, was again consulted. This new contact revealed that a man by the name of Harley J. H., but married with a large family, was previously known to the

Welfare Department of Boston, as well as numerous other social service agencies in the City. This record was consulted and indicated, after a comparison of some of the outstanding facts in the lives of both Albert and Harley, for example, birth dates, handwriting, etc., they appeared to be one and the same man. This case also revealed that the H. family was first aided by the City of Boston in July of 1922. At that time the legal settlement for Harley was discharged as no settlement, or what is referred to as a State case, and a settlement in Boston for his wife and children. This record further revealed that the family was aided almost continuously up to 1934, at which time Harley absconded and disappeared from the family which continued to be aided by the Welfare Department through 1939, at which time the case was accepted by the Division of Aid to Dependent Children.

Then it was felt that Mary, Harley's wife, could possibly aid in finding out where her husband might be located. Since she could be easily contacted an interview with her was arranged. She stated that it was only three years ago that she saw her husband in the South End of Boston. From other statements that she made, the settlement worker rechecked the Welfare lists again and it was discovered that Albert H., the original applicant, as a single man was still

receiving relief in that section of the City. It was arranged to meet and interview him in the District Office and here he admitted that Albert was an assumed name and that his real name was Harley H. He gave as the reason for the duplicity that his wife, Mary, was continually prosecuting him in court for non-support of his family. He spent much time in jail on this charge and because he was unable to find private employment upon his release from jail, felt that the only way to keep out of jail was to desert his family. Then, due to his own straightened circumstances, about one year later he was forced to seek aid and assumed the name Albert for obvious reasons. The particular district in which he lived after his elopement from his family was the rooming house district which abounded in single and homeless men and which has been mentioned before.

The following is the result of the settlement worker's further investigation:

1922 - First public relief in Boston for Harley H.
1921 - Boston address
1920 - Boston address
1919)
to)- Not listed in Boston
1915)
1914 - Boston address
1913 - Boston address. This year also shows a Boston City Hospital admission on Harley which, of course, is a form of public relief and hinders the acquisition of settlement. At that time, this public expense was acknowledged by the State as

its liability because Harley had no settlement

1912 - Boston address
1911)
to) - Not listed in Boston
1905)
1904 - Boston address

Therefore, from the information listed above as well as from the history as told by Harley H., he never had the necessary number of years to gain a settlement in Boston or any other city or town of the Commonwealth. In order to secure an agreement on these facts with the State Department, their visitor interviewed Harley also. The State settlement worker was likewise satisfied that he was without settlement in Massachusetts.

In determining the legal settlement of Harley's wife and children this status was arrived at:

1922 - First public relief in Boston
1921)
1920)
1919) Listed in Boston but during this period
1918) her children by a previous marriage
1917)- were under the care of the Division of
1916) Child guardianship. This is a form of
1915) public relief and hence interfered with
1914) the acquisition of a legal settlement
1913)
1912)
1911 - Boston address
1910 - Not listed
1909 - Boston address
1908 - Not listed
1907 - Boston address
1906 - Not listed
1905 - Boston address
1904 - Not listed. First came to Massachusetts and to Boston

The Boston addresses from the preceding chart were obtained from the birth records of Mrs. H.'s children. Although no definite information could be obtained to prove five consecutive years of residence, yet Mrs. H. stated definitely that she lived in Boston during those years and her statements have to be accepted. There was nothing Boston could show that would interrupt that settlement during the years 1905 to 1911. Boston had to acknowledge the liability for the wife and children. She never lost that settlement either in 1922 or 1935 because she always lived in Boston and never had a residence in any other city or town of the State.

This type of case is sometimes termed a "wife settled case", because invariably it signifies no settlement for the man, or if there is a settlement, it is in some other city or town than Boston and that the wife has a settlement in Boston.

This particular case just described gives a rough idea of what a settlement worker is up against. Here was a man applying for relief. He told the Welfare Department that he was a single homeless man, living in the rooming house district. In reality he was a man with a large family. What seemed to be a routine case to discharge as far as settlement status was concerned turned out very differently for both

himself and his wife. It was necessary to go back to the year 1904 and prove legal residence for each year to 1941 in order to determine the exact locality responsible for the maintenance of that man and his family. In addition to the large amount of relief granted to this family for their maintenance over a period of years, it should be taken into account the added expense which was incurred by the City in payment to settlement workers and by the State to their settlement workers who had to spend an extraordinary amount of time in unravelling the intricacies of Harley H. and his wife's marital, emotional and economic maladjustments.

An interesting matter in settlement work relative to the question of domicile is that of the alien who is in this country illegally. Formerly it had always been assumed that these persons gained a legal settlement by virtue of actual residence in one city or town for five years. But in 1939 this matter of illegal entry was challenged by the City of Boston and a court decision was demanded since the burden of proof always rests with the city or town granting the relief, in this case Boston.

John T. and his family were first aided by the Boston O. P. W. in 1932 and continued to receive aid intermittently until 1939. From the settlement

history taken on the original application, it would seem that John T. had a settlement in Boston. He was a seaman by occupation and upon investigation it was revealed that he was in this country illegally. In other words this man, having reached the port of Boston in his respective journeys, deserted his ship, established residence in Boston, married and reared a family here. Because of the fact that he was in this country illegally, the Boston worker felt and argued that even with the definite five years physical residence, he could not be eligible to acquire a legal settlement. Consequently, Boston notified the State Department of its liability in the case. The State after its investigation of settlement by one of its workers, denied liability and claimed legal settlement in Boston due to the actual residence of the man.

Consequently, in 1939 the Corporation Counsel of the City of Boston was asked for an opinion on the question: Can a person who acknowledges illegal entry into the United States establish domiciliary residence within the meaning of Chapter 116 of the General Laws of Massachusetts? In other words, the principle involved was whether or not a person who was illegally in this country could be in the process of acquiring a legal settlement.

On May 16, 1939 the Corporation Counsel of the City of Boston handed down his opinion which was as follows:

> Under the Immigration Act of 1924, 43 United States Statute 153, a person who enters this country after July 1, 1924 without a visa is here unlawfully or illegally. Under 43 United States Statute 162, it is said in part: 'Any alien who at any time after entering the United States is found to have been at the time of entry not entitled under this sub-chapter to enter the United States, or to have remained therein for a longer time than permitted under this sub-chapter, or regulations made thereunder, shall be taken into custody and deported in the same manner as provided for in Section 155 and 156 of the Title---'. This applied to people entering illegally after July 1, 1924.
>
> It is my opinion that a person who entered this country after July 1, 1924 without a visa and thus being in this country unlawfully, is unable to acquire a legal or lawful settlement in this Commonwealth within the meaning of Chapter 116, Section 1 and Chapter 117, Section 1.[1]

When this opinion of the Corporation Counsel was brought to the attention of the State Department, the representative of that Department declared that he did not agree with the opinion and therefore would not consent to reimbursement. He further declared that even if this opinion constituted the correct statement of the law that reimbursement should be refused because the City of Boston should have ascertained the

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1 Opinion of the Corporation Counsel of the City of Boston, May 16, 1939

fact sooner and had the client deported. The Boston worker then argued that a visit had been made by a State worker to the family at the time when aid was first granted and had given written acknowledgment to the Boston department to continue the aid. The State Department was finally persuaded to request an opinion from the Attorney General on the same question and the latter's opinion concurred with that of the Boston Corporation Counsel. The State then conceded liability in these cases.

With respect to these cases the point to be emphasized is that the settlement workers were confronted with a difficult point of law. These cases clearly show how technical the settlement laws really are, that in addition to a knowledge of the law and its interpretation by the courts, a settlement worker is expected to interpret this technical law on the established facts. Consider also with respect to this matter the substantial amount of money that probably has been lost to many cities and towns which had up to this point assumed liability in cases of this nature when in reality it really belonged to the State.

There are many towns in this State which are largely residential areas for families with above average incomes. They employ many domestics there. Hence, at the time of the depression in 1931 Boston had the

problem of caring for these domestics because during periods of unemployment they take up their residence in Boston rather than in the town of their employment. There are several reasons for this, namely, to be near to the various employment agencies and to the cheap and inexpensive living quarters. During the period of their employment they are, of course, not listed in Boston and very seldom do the families give the names of their domestic help for the police listing. Hence the problem.

For example, Mary ---, a domestic applied for and received relief in Boston in 1932. From the detailed statement of residence given by her at the time of the original application, it would seem that Mary had a settlement in Town B. and, therefore, Town B. was immediately notified of its liability. However, the settlement worker of Town B. was unable to find Mary in either the Police lists or directories of the town and denied liability. At this point the situation remained static until the actual collection of the bill was attempted from Town B. When that time did arrive, in writing to some of these families for the purposes of verifying dates of employment of a domestic and the consequent period of residence, it was not uncommon that the settlement worker received a reply of this sort: "--- beg to inform you that I have spoken to

the other members of my family and we do remember a person by that name as having worked in our home. However, I cannot give you any exact information now because the hiring of such help was left entirely in the hands of our second butler who died seven years ago."

Therefore, in cases of this sort, where the aid was rendered previous to 1935 and the legal responsibility for the money given is still being determined in 1939, it is obvious that the person granted relief may not be available for an interview to get factual data on the residence history; it is most likely that such a case can be definitely discharged for setlement purposes. The case then would have to be discharged as "Probably Boston" as the burden of proof is on Boston, until such time as the person could be located for more definite information.

This case is characteristic of so many other such cases, in that it appeared on the books of Boston as a collectible asset, when in reality it was an uncollectible liability.

The following case is cited because it presented a twofold problem to the settlement worker. The first was the problem itself of determining the legal settlement and the second was the problem of the settlement worker having to deal with such an uncooperative client.

A certain Mary --- applied to and was aided by the Overseers of Public Welfare in Boston. In her statement of residence she gave the following information:

A Boston address	7 months
Another town in Mass.	2 months
A Boston address	4 years
An address in Town B.	25 years

From the woman's statement at the time of the application, it would indicate that she had a legal settlement in Town B. and then, that settlement having expired, the case would become a probable State or unsettled case. Consequently, Boston immediately notified Town B. and the State Department of its liability since no evidence of residence in Boston was found for ten years prior to her application. Town B. immediately denied liability stating that it was not her place of lawful settlement and after due inquiry found no evidence whatever to substantiate Boston's claim. The settlement division of the State Department also made its investigation since it had been originally notified. After the latter's investigation, the State authorized aid to continue but were of the opinion that there appeared to be a settlement for this woman in Town B. and that remained the status of the case until the time for the collection of the bills. Boston claimed settlement in Town B. and Town B. claimed a legal settle-

ment in Boston. In order to protect its claim, Boston entered this case in its suit against Town B. Usually the custom is that before the date of trial, the settlement workers of both towns get together, review the cases again, try to agree on facts so as to eliminate as many of the cases as possible before trial. And that is what happened in this particular situation. Since Mary was available for an interview, the settlement agents of the two cities visited her in her rooming house. At first she was most uncooperative and evasive in answering questions, even to the point of becoming abusive. Her first relief was in 1936. She admitted that she first came to Boston in 1932 and steadfastly affirmed that she lived in Town B. previously for a period of twenty-five consecutive years, paid many taxes there and even maintained a lodging house there for a number of years. Further investigation revealed no information on Mary but much information on a Catherine. When confronted with this news, Mary stated that Catherine was her sister but now deceased for a number of years. Verification of the death of this alleged sister failed to materialize and now everything pointed to the fact that Mary and Catherine were one and the same person. Repeated visits to her home brought forth continued denials that she was the same person. A court record was sent for

and from this record Mary was known to have used the name of Catherine, and due to the seriousness of the charge, the investigation of this source of information eventually brought forth an acknowledgment from the client that Mary and Catherine were one and the same person and that she had been supporting herself by maintaining a house of ill repute over a period of years. This was her reason for being uncooperative in giving the settlement workers specific information. The exact date that Mary left Town B. never to return there again and come to Boston was obtained from the Gas company records which gave evidence of the exact time that Mary left her apartment in Town B. Consequently, Town B. acknowledged the legal settlement up to a certain time, then the financial responsibility was assumed by the State.

From the investigation in this case one might ask the question, was the thoroughness of such an investigation warranted when one considers the amount of money involved. The amount of relief granted was about $10.00. The amount of expense incurred in completing the investigation was many times this amount.

The following case demonstrates the problems which arise from the processes of litigation.

In August, 1933 a certain E. J. applied for and was granted public relief in Boston. To the ap-

plication clerk she stated that she was a single woman, born in Washington, D. C., and that her parents were Briscoe and Annie. She further stated that she first came to the State of Massachusetts in 1893 and to Boston in May, 1933, just five months prior to her application for the aid. It seems that at the time of her application, E. J. was living with her mother who was being aided by the Welfare Department in Boston. The reason for E. J.'s application, therefore, was due to her own unemployment and her inability and the inability of her mother to get along on the allowance that the Welfare Department intended for one person only, her mother. The legal settlement of the mother was acknowledged to be Town W. Therefore, the Town W. was entirely responsible for all public relief expended in behalf of E. J.'s mother.

In E. J.'s statement of residence to the Department, she gave these addresses:

Boston address	3 months
Town W.	7 months
Town W.	12 years

From her own statements at that time, it can readily be seen that her legal settlement was surely not in Boston and appeared to be in the Town W., the same as her mother. Consequently, Town W. was notified of the liability of E. J. also. Town W., through its Settlement Agent, tried to verify E. J.'s residence in Town W.

Evidently the Settlement Agent was unsuccessful because he notified Boston that "from the records of our Assessors and Collector of Taxes, we can find no evidence that E. J. ever resided in Town W. for five consecutive years".

Boston, to further protect its claim that the settlement was not in Boston, notified the State Department also, if no factual data to prove a Town W. settlement appeared. However, the State Department through its own Settlement Agent made its investigation and although they authorized aid to be continued, felt that E. J. had a settlement in Town W. and, therefore, E. J. did not appear to be the State's liability. During the following years no further investigation brought out data which conclusively proved that this woman's settlement was in Boston or not in Boston. In the meantime, Boston continued to claim a Town W. settlement, as well as the State Department, but Town W. denied liability.

In 1940 further resources were used to determine E. J.'s legal settlement. It was found that E. J. and her mother, A. J., were still receiving public relief in Boston and consequently E. J. was summoned into the Settlement office. Due to her crippled condition then, a private car was sent to her home to escort her to the office and eliminate much trouble and

inconvenience for her. At this conference the State visitor was also summoned in order that he might be satisfied and thus close his case as far as the legal settlement was concerned. E. J. gladly answered all questions pertaining to residence. All present formed one opinion from her story that she had a Town W. settlement up to the time of her leaving there in May, 1933 with her mother. Her story briefly was that she was a year old when she and her mother moved from the South to Town W. They lived in Town W. continuously and upon her father's death, E. J. continued to support her mother by doing domestic work. E. J. lived where she worked and always returned to her mother's home on days off and when her employment ceased. Consequently, on account of her work as a domestic, it can readily be seen why E. J. was never police listed or found in the Town W. directories. She definitely stated that she never had employment for more than five years in any one place and that she was never away from Town W. and her mother for any length of time, much less five years, the period in which she could lose her legal settlement. Her home was with her mother and it was always her intention to return there because she was the sole support of her mother, and knew of no other home to go to but that of her mother's home in Town W. Her story satisfied both the Boston Settlement Worker and the

State Worker that E. J. had a legal settlement in Town W., the identical settlement as her mother. The latter's settlement was always acknowledged by Town W., but not the daughter's, E. J. Since E. J. and her mother never returned to Town W. but lived continuously in Boston since May, 1933, it was felt that E. J. would lose the Town W. settlement, the same as her mother, by five years' absence or in May, 1938 at which time both cases would become State cases, since neither E. J. nor her mother could acquire a settlement in Boston by the lack of five years continuous residence without public relief.

As mentioned previously, the Boston Settlement Worker and the State Worker were satisfied that the legal settlement was Town W. However, the Town W. Settlement Worker was not satisfied and consequently refused to accept the case and pay the bill. Therefore, it was necessary for Boston to sue Town W. for the amount of aid rendered to E. J. from 1933 to 1938, at which time the State signified its intention of assuming full liability.

The suit was heard in Town W. The settlement workers of both cities were there. Each felt confident of a favorable finding. E. J. was summoned to the courthouse by special automobile. The case was called. E. J. went on the stand and repeated her story as she

did on the previous occasion. However, on cross-examination, E. J. finally admitted almost continuous residence in another State with an admission of a common law marriage to a man named H. C. She was known as E. C., wife of H. C., and admitted that the name of E. C. appearing through the years in directories in several communities of this other State was herself. Property in the name of E. C. was purchased by H. C., her common law husband through the years. She was living with him when he died in 1929 and continued to live there until the mortgage on her home was foreclosed in 1931. She then came to her mother's home in Town W. and stayed two years and then to Boston. Her visits to her mother's home in Town W. from 1917 until 1932 were only visits.

The Judge in the case after all these facts were admitted found that E. J. resided continuously in this other State from 1917 until 1931 and therefore found in favor of Town W. that the liability was not theirs.

The State Department was notified of this finding and they in turn assumed liability in the case from the date of first aid in 1933 and not in 1938 as it originally planned. In this regard Boston was protected by the fact that it had notified the State of the liability even back in 1933.

As a result of this case, one is apt to wonder why the Settlement Worker in Town W. did not come forward with the new positive information long before the court trial. It doesn't seem reasonable that the worker would deliberately withhold this information up until the very end. One can readily see the enormous waste of valuable time lost by the defeated settlement workers, the many inconveniences afforded the client, the unpleasant feelings among the workers as a result of this episode, when a letter containing the verified information, mailed with a three cent stamp, would settle the mooted point.

There seems to be much evidence to indicate that the ideal method of procedure at least from the viewpoint of the agency and probably from the viewpoint of the client, would be for the settlement worker and the social worker to be one and the same person so that the two processes are carried out at one and the same time and that the settlement procedure becomes an integral part of the case work procedure.

In Boston, however, due to the tremendous number of cases each task is performed by a separate division. One division views the situation from the viewpoint of the client's needs and the application of the agency's resources to meet those needs, the other division views the situation from the agency's need to

acquire funds from all legal sources to meet these functious. It is not contradictory to assert that these two agency procedures can be carried out by the same worker. The social worker aids the family on the district and very seldom does he concern himself with the legal settlement requirements until the occasion arises. He knows that the settlement work is done by the Settlement Division. However, when a problem arises on a particular case the settlement worker and the social worker consult one another and compare factual material.

The following case is cited because it happened that the writer was working in a district office when this family made an application for public relief and carried out the case work process in this situation. After the family had received relief for many months, the writer was transferred to those special workers who were determining legal settlements.

Mr. and Mrs. M. applied for public relief and were aided for the first time in Boston in July, 1931. At that time they had four children. The application was made by Mr. M. He stated to the clerk that he was born in Canada in 1895 and first came to Massachusetts and to Boston in 1922. At the time of the application he was thirty-six years old. He gave the following information about his wife, namely, that she was born in

Town S. in Massachusetts in 1897 and that she first came to Boston in 1926; further told the clerk that they were married in Town S. in 1924, the same town as her birth, and that his four children were all born in Boston in 1927, 1928, 1929 and 1931 respectively. There was no mention of a previous marriage for either party. The statement of residence showed Boston addresses for a period of seven years only.

It was obvious to the experienced worker upon reading this application that the original face-sheet history was taken by an inexperienced worker and hastily. This, of course, was not unusual during certain periods when all relief functions were done rapidly and inadequately because of the pressure of work and lack of time.

The writer knew the family for a period of three years from about 1935 to 1938 and during that period the marriage was never verified by the social worker because such factual data were not usually verified by the social worker except for a particular reason. During this same period it happened in this specific case that the settlement worker, who ordinarily did verify such factual data, had not done so either.

During periods of Mr. M.'s unemployment the family received public relief. The social worker had accepted the facts given by the family and during the investigative process had found no contradictory in-

formation. The family impressed the worker as being both sincere and truthful. This particular situation, like many another as has been previously mentioned, was never finally discharged as a determined settlement. Therefore, in 1940 work was begun on this case by the special group of settlement workers to definitely determine the legal settlement. First of all, the police lists were checked and this information was obtained:

1931 - Year of first relief
1930 - Boston address
1929 - Boston address
1928 - Boston address
1927)
to)-Not listed in Boston
1920)

From the listing just mentioned it is very evident that there is no factual evidence that Mr. M. lived in Boston the required number of years necessary for a legal settlement. A marriage record was sent for from the town in which they stated they were married. The settlement worker recognized immediately, when no marriage could be verified, that a great deal of work must be done in this particular situation in order to determine the legal settlement. The problem had grown because the family had three more children from 1931 to 1940, making a family now of man, woman and seven children.

Mrs. M. was interviewed in her home by the settlement worker. This interview was difficult and

unsuccessful because Mrs. M. became exceedingly resistant to facing reality to the point of becoming hysterical and entirely unresponsive to the interviewer's efforts and skills. At this time the interview had to be concluded because no progress was being made so far as settlement data were concerned.

Because the writer had worked with this family in the capacity of district social worker and had a friendly relationship established with them, it was decided that he, now in the capacity of settlement worker, would continue this friendly relationship in establishing their legal status.

Therefore, Mr. and Mrs. M. were interviewed again. The purpose of settlement was first interpreted to them and they were reassured that the establishment of a legal settlement in no way disqualified them for the public maintenance which they were receiving. It was intended on the other hand to assist them, to allay their fears and to establish a rapport with them to the point that they would not be less secure but more secure if their legal settlement was determined. Mr. and Mrs. M. finally admitted that they were never married. In the early years of their friendship they always intended to marry but kept delaying it and as a result it never materialized. Since the couple were never legally married the settlement of both the man

and the woman had to be determined separately. Each of the seven children was an illegitimate child. Both Mr. and Mrs. M. recognized the problem and doubtless this was the basis of their resistance in facing reality. The situation was analyzed and rationalized and plans were made in such a way as to avoid any trouble and confusion. The man and woman, through the aid of the district welfare office and the funds from a private agency were married in May, 1940 and hence the children became legitimatized.

Mr. M. verified the fact that he first came to Massachusetts and to Boston in 1922. From that time up until 1931, the date of his first relief, he did not acquire a legal settlement by five years continuous residence because in 1926 he worked and lived for a period of more than a year in another State as a lumberjack. This out of State residence interrupted the five years necessary residence. Consequently, he was without a legal settlement in Massachusetts. The State settlement worker was also satisfied on this point and agreed to assume his liability.

In determining the settlement of Mrs. M. there was much more detail involved. It was learned and later verified that she had been married in another State in January, 1923. It was proven that this marriage was not legal because the man she married had

been a divorced man and his divorce decree did not become final until March, 1923. Therefore, he could not legally marry in January, 1923. Due to the fact that her residence had always been migratory, it was proved to the State Department's satisfaction that she never had five years continuous residence in any city or town of the Commonwealth up to 1931, the year of the original public relief.

Since the man and the woman were not married the children were illegitimate and followed the settlement status of their mother; and since the mother had no legal settlement the seven children had no legal settlement either. In this case the State Department assumed and acknowledged all liability for relief rendered this family since 1931, which amount certainly ran into very high figures.

The following case is cited because there are two separate settlements involved in the one family. It is not uncommon, but yet not an everyday occurrence, that the father of a family has no settlement, while the wife has a settlement and the children a still different settlement. In the case of Bessie C., she has one settlement while her son has an entirely different one as will be shown.

In April, 1931 Bessie C. reapplied to Boston for relief. At that time she said she was a widow,

fifty-six years old and had one son living with her, James twenty-three. The cause of dependency was the unemployment of both. Bessie formerly earned her maintenance as a houseworker in various families while her son, having no trade whatever, earned occasionally doing odd jobs. She further stated her husband was born in Virginia in 1874 and died in Town C. in Massachusetts in 1911. She, herself, was born in Virginia in 1875, married in Town C. in 1899, had only two children, Cecil born in Town C. in 1902 and James born also in Town C. in 1907. She further gave as her detailed statement of residence addresses in Boston for at least twelve years. Bessie also told the clerk that she and her children first received public relief in Boston around 1920 and also received Mothers' Aid in Town C. for a period of about five years prior to the 1920 relief in Boston.

In checking her residence history with the police lists, the following factual information was obtained:

1931 - Received public relief in Boston
1930 - Boston address
1929 - Boston address
1928 - Town A. address
1927 - Not listed in Boston
1926 - Boston address)
1925 - Boston address)
1924 - Boston address) A legal settlement
1923 - Boston address) by residence
1922 - Boston address)
1921 - Boston address)
1920 - Received public relief in Boston

From the listing just mentioned it is evident that Bessie acquired a legal settlement in Boston by virtue of continuous residence in Boston from 1921 to 1926. In 1931 she has not lost that settlement by five years' absence from the city. It would be easy for a settlement worker of some experience to assume that Bessie had a legal settlement in Boston and that by virtue of her legal settlement the son, James, would have a settlement in Boston also. However, the situation, considering James' age of twenty-three years, required further analysis because there are two other items that must be definitely verified. The first is the verification of the death of Bessie's husband and the second is the consideration of the son's settlement. James in 1931 was twenty-three years old. His father died in January, 1911, a verified fact. James, the son, had reached his majority at the age of twenty-one years in 1929 and in 1931 shared in the relief granted to his mother. Therefore, his legal settlement must be determined separately from that of his mother. It must be again remembered that the present settlement law became effective in August, 1911. Now when a father dies before that date, that is, August, 1911 and had a settlement at the time of his death, his minor children follow his settlement until their twenty-sixth birthday even if the settlement status of the wife had changed

in the meantime. In this case as we shall see the wife's settlement did change.

Therefore, the case is incomplete as far as settlement status for James is concerned. The settlement worker must find out and know what settlement James' father had at the time of his death. Along with what has been determined, that is, that Bessie has a Boston settlement, the settlement worker continued his investigation further:

1920 - Received public relief in Boston
1919 - Received public relief in Town C
1918 - Received public relief in Town C
1917 - Received public relief in Town C
1916 - Received public relief in Town C
1915 - Received public relief in Town C
1914 - Received public relief in Town C
1913 - Received public relief in Town C
1912 - Not found
1911 - Residence in Town C. Father died during this year and this fact was verified
1910 - Residence in Town C. for father) A legal set-
1909 - Residence in Town C. for father) tlement by
1908 - Residence in Town C. for father) residence;
1907 - Residence in Town C. for father) father paid
1906 - Residence in Town C. for father) poll taxes
1905 - Residence in Town C. for father) for four
1904 - Residence in Town C. for father) years as re-
1903 - Residence in Town C. for father) quired by law

From the above listing it is very evident that Bessie's husband at his death in 1911 complied with the settlement law at that time by having five years continuous residence in a city, plus the payment of at least three poll taxes during that time. He had received no public relief in that period. Therefore, his legal settlement was in Town C. Consequently,

since the father died in January, 1911 and the present settlement law went into effect August, 1911, the son, James, born in 1907, takes the settlement of his father in Town C. at the age of twenty-one years and retains that settlement until he is twenty-six years of age because during the period from twenty-one years to twenty-six years, James could not acquire a settlement in his own right and by his own residence due to the fact that the family was supported by public funds. He was twenty-three years old in 1931 as we have mentioned before.

The proper discharge of Bessie C.'s settlement is Boston by residence; her son, James, has a Town C. settlement through his father until his twenty-sixth birthdate or November 8, 1933, after which time he becomes the State's liability. If the son, James, had returned to Town C. prior to 1933, he would have revived his legal settlement in Town C., obtained through his father's legal settlement. But since he was absent from Town C. during the years from his twenty-first to his twenty-sixth birthday, he has lost his legal settlement in Town C. by the five years' consecutive absence. Since he has received public relief during those same years, he could acquire no legal settlement in any other city or town. Hence, as above stated, he has no settlement and is the State's liabil-

ity after November 8, 1933.

In 1931, when this case was originally discharged, it was discharged wrongly, namely, a Boston settlement for both the woman and her son, James. As it has been shown, son James has no settlement in Boston but in Town C., which Town, due to the error, was never notified of its liability. Hence, no money was ever collected from Town C. for James' relief. The State Department had agreed with all the facts which the Boston settlement worker discovered.

Chapter V

Conclusions

Because of the existing conditions in the work of determining legal settlements which have been illustrated, namely, the insecurity on the part of indivuals causing them to give detailed misinformation or the self-consciousness on the part of individuals causing them to conceal facts that they believe to be immoral; also the factors which have been illustrated by the situation of the domestic who has been employed in some city or town and whose residence is in another city or town; the alien who is living in the country illegally; the situation of two or more persons in a family having different settlements and the many problems arising from the non-cooperation between workers of different cities and towns. In addition to these just mentioned there are the court proceedings which may have taken place in any of the above cases involving time and expenses for the workers and the departments they represent. It is no wonder that many public-minded and public-spirited citizens, as well as certain representative law makers, have endeavored to remedy this situation by the introduction of various constructive programs and numerous bills into the legislature. In 1934 an effort was made to reform or do away with this phase of the Public Wel-

fare Laws by proposing to

> set aside the archaic settlement law as the basis of fixing the responsibility of cities, towns and the State for relief, and providing that the State in all cases reimburse cities and towns for one-fourth of their expenditures. Therefore, on account of this reimbursement and with State supervision, this would stimulate the giving of adequate and well-considered assistance.[1]

The argument for the bill which was petitioned by the then Commissioner of Public Welfare in Massachusetts suggested that the settlement laws were entirely inapplicable to present day conditions, that welfare investigators spend a large portion of their time in determining the legal settlement of persons applying for public relief, and that cities and towns put an incredible amount of energy into the wasteful effort to place the financial responsibility for relief upon some other city or town or upon the State Department.

Again in 1941 a bill was presented in the House of Representatives to provide for payment by the Commonwealth to the municipalities to the extent of seventy-five percent for the total cost of all assistance rendered and to abolish claims for reimbursement for assistance rendered by towns to persons without a legal settlement.[2]

Even now there is a special recess commission studying this entire question of settlements with a view to the recommendation of some constructive reforms. The

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1 House Bill #1024, 1935
2 House Bill #1266, 1941

results of the commission's investigation have not yet been published.

The Boston Chamber of Commerce, a civic-minded private group of citizens, in its study of the relief question in 1941 by the committee on municipal finance reported

> There is imperative need of improvements in the relations between the State government and its municipalities in the administration of relief. We hope especially that a practical way will be found to abolish the absurd and archaic settlement law, under which there is constant bickering between municipalities and between the State and municipalities in determining which jurisdiction is responsible for the care of relief recipients.[3]

The settlement law is of great disadvantage to a relief agency because of the tremendous cost of administration it involves. The law entails the employment of numerous settlement workers, clerks and stenographers all over the State. The number of workers in each city confined only to settlement work depends upon the caseload of the agency. Larger cities, of course, employ many more people than some smaller towns. Yet all salaries of such personnel must be met each week.

At the present time there are approximately one hundred fifteen settlement workers in the Boston Public Welfare Department. This does not include office assistants such as clerks and stenographers. It is obvious from these figures that the expenditure for their

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3 Committee on Municipal Finance of the Boston Chamber of Commerce, Boston Post, November 7, 1941

salaries alone is of sizeable amount. Before the depression there were only two persons doing settlement work in the Boston Department. Early in 1937 fifty more settlement workers were added and early in 1940 another fifty workers were employed. The settlement workers in the central office settle approximately twelve cases a week.

Consider also the expense involved when cities are in the process of litigation with one another over respective settlements on certain cases. The result is that these cases must be brought before the court eventually for a final settlement. Consider also the duplication of work involved. Each city involved has to make its own investigation of the case and numerous times does the State Department also enter the picture with its investigation likewise, as has been previously shown in the cases cited in Chapter IV. It is generally known that about $1.00 out of every $4.00 expended for relief enters into the settlement picture.

> It is further advisable that settlement as a factor in welfare administration be eliminated. The assumption by the State of one-third of the cost of temporary aid will be greater than the nineteen percent average which it now reimburses for dependent aid cases with non-local settlements. This should be sufficient to set aside all of the high cost of determining settlement and result in a larger contribution for the maintenance of relief than is now received from the State for unsettled cases and from

cities and towns for non-local settled cases.[4]

The settlement law is a distinct disadvantage to the client who is unable to understand the reasons for so much questioning concerning a residence history. He does not understand that the settlement worker is simply carrying out the provisions of the General Laws of Massachusetts. Again it is a disadvantage to him because of the more liberal allowance of the State budget for State cases, that is, those clients who have no legal settlement in Massachusetts. The man who has lived in Boston all his life and has a settlement in Boston cannot understand why he is not eligible for shoes, medicinal supplies and other such specialized relief as often as his neighbor recipient, only a recent resident of Boston, who has no legal settlement in the Commonwealth. The State Department has the more liberal allowance and consequently can procure these articles, while the social worker in Boston for the Boston settled cases must have recourse to various private funds and agencies who are unable to meet all the demands made upon it. It is not only confusing but exceedingly unfair to the client from any point of view. Even these many requests take up very much of the time of the social worker and involves many other workers

4 Report of the Special Commission on Taxation and Public Expenditures, January 24, 1938

besides. It is a cause of dissatisfaction and at times much dissension among the workers as well as much dissatisfaction and insecurity on the part of clients when their requests for special needs cannot be met. Consider also the duplication of work in this regard not to mention the repetition of the history of the residences of the client to so many settlement workers.

We can readily understand then why there are so many workers in the field of social service who advocate complete abolishment of this phase of public relief administration. Some contend that the settlement law should at least be simplified and adjusted to conditions which public welfare agencies face at this time. There are a few settlement workers who favor the retention of the settlement law because it prevents a migration of clients from an area of low relief standards to an area of high relief standards. This migration is very costly and it is quite plausible that relief standards have to be and should be unified so that the abolition of the settlement law would in no way bring about this migration. Another few settlement workers favor the retention of the settlement law because they fear they will lost their jobs. However, this would not happen because such workers could easily be absorbed or reassigned into other departments of the agency. It seems utterly unreasonable that a law which involves so

large a number of people in all parts of the country should be continued so that a few individuals might be retained in their positions. Small communities which have been highly industrialized in times of prosperity have no problems but in times of depression their problems with settlement and relief are overwhelming. Persons in those communities feel that the present law does protect them from a burden they could not carry by themselves. However, if there were no settlement law and relief standards were unified and the State participated to the same degree in each community, this danger which the small industrialized communities foresee would probably never develop.

In the examples contained in the previous pages, there were situations which make it perfectly obvious that the settlement law as it now stands is not only obsolete but even at times absurd in the situations which occur as a result of its application. For example, the woman who received a total of $10.00 in relief while the expenditure for the verification of the data proving which community would be responsible for the relief given ran into hundreds of dollars. In the situation of the mother and the son where the one had a proven settlement in one town and the other a proved legal settlement in another town, although they lived together and were a family unit, this seems to be both unsocial and

unsuitable. From the viewpoint of all participating in the law, that is, the client, the agency and the community supplying the money, the situation should be looked at objectively and not subjectively.

The writer believes that from the material presented settlement law is inadequate, that it is costly and that it could and should be changed to meet present conditions facing public relief agencies today.

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